

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

|                         |   |                            |
|-------------------------|---|----------------------------|
| HYDRO NET LLC,          | ) |                            |
|                         | ) |                            |
| <i>Plaintiff,</i>       | ) |                            |
|                         | ) | Case No. 21-cv-02773 (LJL) |
| v.                      | ) |                            |
|                         | ) |                            |
| BLACKBERRY CORPORATION, | ) | DEMAND FOR JURY TRIAL      |
|                         | ) |                            |
| <i>Defendants.</i>      | ) |                            |
|                         | ) |                            |
|                         | ) |                            |

**NOTICE REGARDING INITIAL PRETRIAL CONFERENCE**

In response to the Court's Order of May 13, 2021 (Dkt. No. 11), Defendant BlackBerry Corporation submits a Proposed Case Management Plan and Scheduling Order (Exhibit A). The parties have not met and conferred regarding this proposal. The parties had scheduled a conference call for July 22, 2022 at 2:00 PM Eastern; BlackBerry's counsel waited for ten minutes, but Plaintiff's counsel, David deBruin, did not show up. Since then, BlackBerry has sent several emails to Plaintiff, attempting to set up another conference, without success. Plaintiff also did not respond to BlackBerry's requests to send a draft proposal for the Case Management Plan and Scheduling Order for BlackBerry's consideration.

BlackBerry therefore submits its Proposed Case Management Plan and Scheduling Order (Exhibit A), and will be ready to discuss it at the Initial Pretrial Conference. BlackBerry has provided its Proposed Case Management Plan and Scheduling Order to Plaintiff, but has not received any response.

BlackBerry, however, intends to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and requests that all discovery and deadlines be stayed until that motion has been ruled upon, and a Case Management Plan entered thereafter. If the Court

desires, BlackBerry will be prepared to discuss the grounds for its motion to dismiss at the Initial Pretrial Conference on August 4, 2021.

Dated: July 28, 2021

Respectfully submitted,

/s/ Steven J. Mandelsberg

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on the 28<sup>th</sup> day of July 2021.

/S/ Steven J. Mandelsberg